

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

THERON HALL,

Plaintiff,

Civil No. 04-921-JE

v.

O R D E R

MULTNOMAH COUNTY, a county of
the State of Oregon, BERNIE GIUSTO,
Sheriff of Multnomah County, and
STEVEN NICHOLSON, Corrections
Officer,

Defendants.

HAGGERTY, Chief Judge:

Magistrate Judge Jelderks has issued a Findings and Recommendation [28] in this action.

The Magistrate Judge recommended that because plaintiff failed to appeal his grievance, he did

not exhaust the administrative remedies available to him, and so defendants' Motion to Dismiss [19] should be granted without prejudice. No objections were filed, and the case was referred to this court.

The matter is now before this court pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation of the Magistrate. *Campbell v. United States Dist. Ct.*, 501 F.2d 196 (9th Cir. 1974).

No clear error appears on the face of the record. This court adopts the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Magistrate Judge's Findings and Recommendation [28] is adopted. The defendants' Motion to Dismiss [19] is GRANTED without prejudice.

IT IS SO ORDERED.

Dated this 17 day of April, 2006.

/s/ Ancer L.Haggerty

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Ancer L. Haggerty
United States District Judge